

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS,

Defendant.

Civil Action No. 41-1395 (WCC)

~~PROPOSED~~
STIPULATION AND ORDER

In the matter of the Application for the
Determination of Reasonable License Fees for
Performances via Wireless and Internet
Transmissions by

MOBITV INC. f/k/a IDETIC, INC.

IT IS HEREBY STIPULATED AND AGREED, by and among the American Society of Composers, Authors and Publishers ("ASCAP") and MobiTV Inc. f/k/a Idetic, Inc. ("MobiTV") (collectively, the "Parties") that:

1. On or before **March 20, 2009**, the parties shall complete all previously noticed MobiTV fact witnesses for depositions;
2. On or before **March 20, 2009**, the parties shall complete all previously noticed third party depositions;
3. The Parties shall complete fact discovery by **April 17, 2009**;
4. On or before **April 17, 2009**, the Parties shall disclose their experts in accordance with Rule 26 of the Federal Rules of Civil Procedure;

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5. On or before **May 7, 2009**, ASCAP shall serve any initial expert reports on MobiTV;

6. On or before **June 4, 2009**, MobiTV shall serve any initial or rebuttal expert reports on ASCAP;

7. On or before **June 25, 2009**, ASCAP shall serve any expert rebuttal reports on MobiTV;

8. On or before **July 9, 2009**, MobiTV shall serve any expert rebuttal reports on ASCAP;

9. The Parties shall complete expert discovery by **July 31, 2009**;

10. The Parties shall file any dispositive motions with the Court on or before **August 14, 2009**;

11. Dispositive motion response briefs shall be filed by **September 4, 2009**;

12. Dispositive motion reply briefs shall be filed by **September 11, 2009**;

13. The Parties shall appear for a pretrial conference on **September 16, 2009**, at ²⁵10:15 **a.m.**

Nothing in this Scheduling Order shall prevent either party from asking the Court to set additional dates or otherwise modify this Scheduling Order.

The parties, by their counsel, hereby consent to the foregoing Order:

Dated: New York, New York
February 26, 2009

LOVEKLS LLP

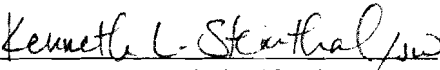


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Dated: New York, New York
Redwood Shores, California
February 26, 2009

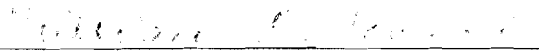
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Attorneys for MobiTV, Inc.

SO ORDERED.

Dated: White Plains, New York
February 27, 2009



Sr. United States District Judge